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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/189,112      | 11/09/1998  | SHMUEL SHAFFER       | 98P7917US           | 5131             |

7590

04/23/2002

SIEMENS CORPORATION  
INTELLECTUAL PROPERTY DEPARTMENT  
186 WOOD AVENUE SOUTH  
ISELIN, NJ 08830

EXAMINER

HOM, SHICK C

ART UNIT

PAPER NUMBER

2661

DATE MAILED: 04/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/189,112

Applicant(s)

SHAFFER ET AL.

Examiner

Shick C Hom

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2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2002.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 01 February 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments filed 2-1-02 have been fully considered but they are not persuasive.

In page 4 line 12 to page 5 line 14, applicant argued that Spell et al. in view of Keeler et al. did not recite a combined ToL-PBX system is not persuasive because Spell et al. in col. 1 lines 13-31 which recite the POTS, plain old telephone service, being coupled to the private branch exchange, PBX, and the ISDN, Integrated Services Digital Network service with telecommunications usage including voice traffic used for Internet communications clearly anticipate the telecommunications system including a combined ToL-PBX system as now argued.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the

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art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spell et al. in view of Keeler et al.

Spell et al. disclose nearly all the subject matter now claimed. Note col. 1 lines 13-31 which recite the POTS, plain old telephone service, being coupled to the private branch exchange, PBX, and the ISDN, Integrated Services Digital Network service with telecommunications usage including voice traffic, telefacsimile fax, digital or audio-modulated digital

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signals used for network or Internet communications and col. 5 lines 36-55 which recite the data server including computers and client being coupled using the ISDN communications link whereby a router is coupled to the client having a high bandwidth connection to a Local Area Network LAN clearly anticipate the telecommunications system including a PBX coupled to a LAN whereby the PBX includes a telephony access and the server coupled to the LAN as in claims 1, 6-7, 14 and the client as in claim 11. Col. 12 line 66 to col. 13 line 62 which recite means for bandwidth allocation based on considerations of the user's telecommunications charges by configuring and/or modifying a decision rules base taking into account current tariffs and other charges so as to provide high bandwidth service as needed or desired while reducing or minimizing costs to end users whereby providing a way to allocate bandwidth, such as ISDN bandwidth using bandwidth requirements based on data stream characteristics clearly anticipate the server monitoring bandwidth usage of calls on the LAN and means for accounting for bandwidth requirement of the one or more telephony devices coupled to the LAN as in claims 1, 4, 6, 10, 14 and reads on the step of accessing a database at the server to determine if bandwidth is available on the LAN as in claim 6. Col. 7 lines 32-50 which recite using

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H.323 data type clearly anticipate the H.323 compatible server and client as in claims 2, 5, 12, 13, and 17, respectively.

Spell et al. did not recite a gateway as in claims 1, 14, and 19-20, the means for aborting a call as in claims 3, 15, 16, 18, means for preventing a call as in claim 4, informing the server when a call processed is completed and returning an acknowledge message as in claims 8-9.

Keeler et al. teach that it is known to transmit the call status information to host computers through a processor bus, server processors, and gateway interfaces for generating route requests whereby the destination device acknowledges the call when the route is considered to be complete as set forth at col. 3 lines 33-55 and col. 4 line 65 to col. 5 line 17, respectively, in the field of digital and multiplex communications for the purpose of providing a method of dynamically routing incoming calls through a PBX which optimize operation of the PBX which clearly anticipate the gateway as in claims 1 and 14 and the means for informing the server when a call processed is completed and returning an acknowledge message as in claims 8-9. Col. 7 line 12 to col. 8 line 7 which recite sending a message to the ACD route manager to prevents the ACD route manager from further processing the incoming call and the ACD route manager aborting the connection request clearly

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anticipate the means for aborting a call as in claims 3, 15, 16, 18 and means for preventing a call as in claim 4.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the gateway, the means for aborting a call, means for preventing a call, informing the server when a call processed is completed and returning an acknowledge message as taught by Keeler et al. to the system of Spell et al. because Keeler et al. teach the desirable advantage of providing a method of dynamically routing incoming calls through a PBX which optimize operation of the PBX and said method optimizing operation of the PBX being desirable to achieve more efficient system operation in Spell et al.

#### **Conclusion**

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire

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on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any response to this final action should be mailed to:

**Box AF**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 872-9314, (for formal communications; please  
mark "EXPEDITED PROCEDURE")

**Or:**

(for informal or draft communications, please  
label "PROPOSED" or "DRAFT")

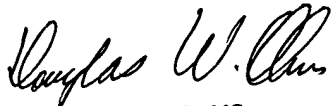


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Hand-delivered responses should be brought to Crystal  
Park II, 2121 Crystal Drive, Arlington. VA., Sixth  
Floor (Receptionist).

Any inquiry concerning this communication or earlier  
communications from the examiner should be directed to Shick Hom  
whose telephone number is (703) 305-4742.

Any inquiry of a general nature or relating to the status of  
this application should be directed to the Group receptionist  
whose telephone number is (703) 305-4750.

  
DOUGLAS OLMS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

SH

April 20, 2002